

REMARKS

Applicants thank Examiner for his Office Action dated July 2, 2003. Applicants respectfully request that the New Power of Attorney be entered in relation to this patent application.

Applicants respectfully request reconsideration of Examiner's rejection under 35 U.S.C. §103(a). Examiner has asserted that Claims 1-24 are unpatentable over *Rosser et al.* (U.S. Patent No. 5,264,933) in view of *Rosser* (U.S. Patent No. 6,446,261). However, *Rosser et al.* fails to teach or suggest either the localization of video data or the implementation of 3-D images as claimed in Applicant's patent. Further, *Rosser* fails to teach the implementation of 3-D images as claimed in Applicant's patent. Examiner's rejections will be addressed on a claim-by-claim basis as follows.

Examiner has rejected independent Claim 1 over *Rosser et al.* and *Rosser*. Examiner claims that *Rosser et al.* teaches Applicant's invention at the abstract and at Column 8 lines 37-43 and lines 52-58. However, *Rosser et al.* fails to teach or suggest Applicant's claimed invention in either those three sections, or in the rest of their disclosure. *Rosser et al.* discloses overlaying an image (i.e., and advertiser's logo) over a specified area of a video image, for example, a portion of a tennis court. This video processing is entirely done by the Television studios before the video stream is broadcast out to viewers, and the video processing is only accomplished through the use of 2-D images and overlays. Applicant's invention, however, accomplishes the overlay through the use of a localized device such as a set-top box located at the viewer's television. This allows for advertising data to be customized to the specific viewer, area, or demographic. Further, Applicant's invention involves the use of 3-D technologies in order to create a higher quality localized advertisement. More specifically, Applicant's invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer.

This technology is neither taught, nor suggested in *Rosser et al.*, and includes a significant and non-trivial improvement on that technology. In conclusion, not only are the devices disclosed in *Rosser et al.* incapable of localizing data at the individual viewer level, they are also incapable of handling and processing 3-D images. As a result, Applicants believe that *Rosser et al.* fails to preclude the patentability of this claim.

Examiner further bases his rejection on *Rosser*. While *Rosser* does disclose the localization of video data, it does not disclose the advantageous use of 3-D image data. Applicant's invention involves the use of 3-D technologies in order to create a higher quality localized advertisement. More specifically, Applicant's invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer. This technology is neither taught, nor suggested in *Rosser*, and includes a significant and non-trivial improvement on that technology. In addition to transmitting a 2-D templated video image, Applicant's invention can also transmit localized 3-D video text and shapes to the viewer. This data can be further processed by the 3-D video processor by warping, zooming, or morphing it in order to fit the data onto said 3-D generated image. For example, a soda bottle can be extracted from the 2-D image and generated into a 3-D image, and further customization can take place based on the transmitted 3-D text and shapes. For example, if Pepsi wanted to advertise in certain demographic markets, the set-top box can receive Pepsi text and graphics and apply them to the 3-D soda bottle. In the same manner, if Coca-Cola Corp. is willing to pay more for certain other demographics, those viewer's set-top boxes would apply the Coca-Cola graphics and text to the same 3-D soda bottle. As a result, Applicants believe that *Rosser* also fails to preclude the patentability of this claim.

In addition, *Rosser* considered in view of *Rosser et al.*, still fail to teach or suggest Applicant's claimed invention. As such, Applicants respectfully submit that Claim 1 now stands in condition for allowance.

With respect to Claim 2, Examiner asserts that *Rosser et al.* teaches “using the 3-D shapes of text as a template; and cutting the 3-D highlighted image around the template” at column 8 line 59 to column 9 line 24. Applicants fail to see how *Rosser et al.* teach this. First, *Rosser et al.* is directed to a system in which all encoding is accomplished at the TV studios, whereas Applicant’s invention utilizes localized encoding accomplished at the viewer’s location. Second, *Rosser et al.* fails to teach or suggest Applicant’s ability to process and manipulate 3-D images in the localization of the video data. Further, Applicants believe that Claim 2’s independent claim is now distinct and allowable, therefore Claim 2 is also now distinct and allowable. As such, Applicants respectfully submit that Claim 2 now stands in condition for allowance.

With respect to Examiner’s rejection of Claim 3, Applicants fail to see how *Rosser et al.* teach “displaying a color to contrast the 3-D highlighted image” at column 8, lines 52-58. In fact, at no point does *Rosser et al.* even mention changing the color of a 3-D image. Further, Applicants believe that Claim 3’s independent claim is now distinct and allowable, and therefore Claim 3 is also now distinct and allowable. As such, Applicants respectfully submit that Claim 3 now stands in condition for allowance.

With respect to Examiner’s rejection of Claims 4 and 5, Applicants fail to see how *Rosser et al.* teach embossing and raising 3-D shapes and text through “painting on.” Painting on implies a 2-D “fill” of a section of an image, whereas embossing or raising implies a 3-D look in which the text appears to sink into or rise out of the image. Further, Applicants believe that Claims 4 and 5’s independent claim is now distinct and allowable, and therefore Claims 4 and 5 are also now distinct and allowable. As such, Applicants respectfully submit that Claims 4 and 5 now stand in condition for allowance.

With respect to Examiner’s rejection of Claim 6, Applicants fail to see how *Rosser* teaches “selecting a specific 3-D shapes of text for the specific viewer.” In fact, at no point

does *Rosser* even mention the use of 3-D text or shapes. Further, Applicants believe that Claim 6's independent claim is now distinct and allowable, and therefore Claim 6 is also now distinct and allowable. As such, Applicants respectfully submit that Claim 6 now stands in condition for allowance.

Claims 7 – 12, Claims 13 – 18 and Claims 19 – 24 repeat the same pattern as those claims above, with the exception of the added language of “A *system* for providing...” in Claim 7, “A *computer readable medium having stored thereon a plurality of instructions* for providing...” in Claim 13, and “A *set top box* for providing...” in Claim 19. The argument as stated above for Claim 1 also applies to independent claims 7, 13, and 19. Further, the arguments as state above for Claims 2-6 also apply to Claims 8-12, 14-18, and 20-24. Applicants believe these arguments to be more than sufficient in proving he patentability of this application.

Accordingly, Applicant's invention is patentability distinct over the art of record. In light of the foregoing, Applicant respectfully submits that all claims now stand in condition for allowance.

29
Date: December 28, 2003

Respectfully submitted,

Robert J. Depke

HOLLAND & KNIGHT LLC

131 South Dearborn Street, 30th Floor

Chicago, Illinois 60603

Tel: (312) 422-9050

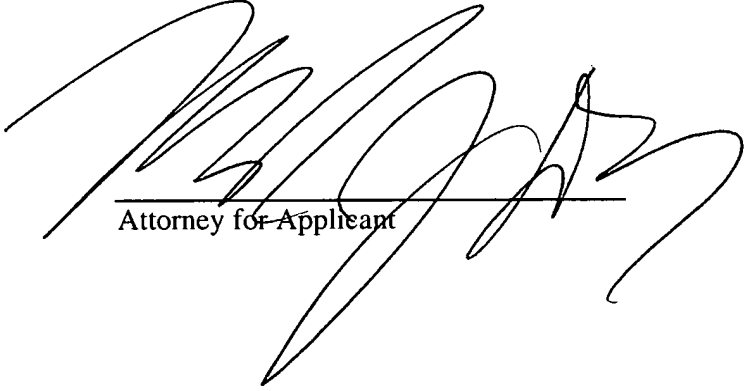
Attorney for Applicant

(Reg. #37,607)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States
Postal Service as First Class Mail on December ²⁹~~28~~, 2003 in an envelope addressed to:

**Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**



Attorney for Applicant